

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

HELENA JEFFERSON,

Plaintiff

VS.

MICHAEL J. ASTRUE, Commissioner,
Social Security Administration,

Defendant

NO. 5:03-CV-415 (WLS)

PROCEEDING UNDER 42 U.S.C. § 405(g)
BEFORE THE U. S. MAGISTRATE JUDGE

ORDER ON MOTION FOR ATTORNEYS FEES

Pending in this appeal under 42 U.S.C. § 405(g) is a motion for attorneys fees filed by plaintiff at Tab #19, for the amount of \$2,319.30. This amount represents the portion of Plaintiff's Social Security disability benefits withheld as representative fees, less the amount of \$5,300.00 already disbursed to the Plaintiff's disability representative. The Commissioner has filed a response to the motion indicating that he has no opposition to the motion.

The former attorney of record in this case is Mr. Charles Taylor. Mr. Taylor died on June 11, 2008. For the special purpose of submitting this Motion, David Jennings substituted for Mr. Taylor pursuant to an Order of this Court granted on August 18, 2008.

Mr. Taylor pursued the appeal and won a remand in Plaintiff's Social Security disability claim. Plaintiff, as claimant represented by Mr. Taylor, won her claim on remand and was awarded approximately \$30,500 in past-due benefits. The Social Security Administration originally set aside \$7619.30 of said benefits as representative fees, and notified Mr. Taylor accordingly. A letter from the SSA's Office of Central Operations regarding the set-aside is included as attached Exhibit "B." The Social Security Administration subsequently disbursed \$5,300 of that to Mr. Taylor, and retained \$2,319.30 of the set-aside, which amount is the difference between the original set-aside and the \$5,300 disbursed. A letter from the SSA's Office of Central Operations regarding the balance set-aside is included as attached Exhibit "C."

Therefore, IT IS THE ORDER of the undersigned that Plaintiff's motion for the award of attorneys fees be GRANTED, and that the sum of **\$2,319.30** be awarded to the law firm of Kemp and Company in Warner Robins, Georgia.

SO ORDERED, this 4th day of DECEMBER, 2009.



A handwritten signature in black ink that reads "Claude W. Hicks, Jr."

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE